

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

FILED

NOV 16 2009

**CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
BENTON OFFICE**

EMPLOYERS AND OPERATING ENGINEERS
LOCAL 520 PENSION FUND, an employee
benefit plan, and RONALD KAEMPFE,
EUGENE KEELEY, PETE KORTE, RONALD
JOHNSON, MICHAEL PARKINSON, and
ROBERT K. GERMANN, in their representative
capacities as Trustees of the Employers and
Operating Engineers Local 520 Pension Fund, and
EMPLOYERS AND OPERATING ENGINEERS
LOCAL 520 HEALTH AND WELFARE FUND,
and RONALD KAEMPFE, EUGENE KEELEY,
RONALD JOHNSON, PETE KORTE,
MICHAEL PARKINSON, and ROBERT K.
GERMANN, in their representative capacities as
Trustees of the Employers and Operating
Engineers Local 520 Health and Welfare Fund,
and OPERATING ENGINEERS LOCAL 520
JOINT APPRENTICESHIP AND TRAINING
FUND, and EUGENE KEELEY, MICHAEL
LUHR, MICHAEL PARKINSON, RONALD
JOHNSON, MARK JOHNSON, and GARY
THIEMS, in their representative capacities as
Trustees of the Operating Engineers Local 520
Joint Apprenticeship and Training Fund, and
EMPLOYERS AND OPERATING ENGINEERS
LOCAL 520 VACATION FUND, and CHARLES
MAHONEY, TIM KEELEY, RONALD
JOHNSON, DAVID BAXMEYER, TERRY
MACZURA and MARK JOHNSON, in their
representative capacities as Trustees of the
Employers and Operating Engineers Local 520
Vacation Fund, and OPERATING ENGINEERS
LOCAL 520 ANNUITY TRUST FUND, and
RONALD JOHNSON, HENRY ROHWEDDER,
MICHAEL PARKINSON, KENNETH J.
KILIAN, FRED W. HAIR, and RONALD
KAEMPFE, in their representative capacities as
Trustees of the Operating Engineers Local 520
Annuity Trust Fund, and

Plaintiffs,
vs.
THE UNITED STATES OF AMERICA, et al.
Defendants.

Case No. 3:09-cv-614-JPG

A&R EXCAVATING AND MOTOR SALES,
INC., an Illinois corporation,

Defendant.

CONSENT JUDGMENT

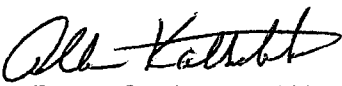
The parties having stipulate to the entry of judgment as follows,
IT IS HEREBY ORDERED AND ADJUDGED that:

1. Judgment is entered in favor of plaintiffs and against defendant in the amount of \$39,577.54; which represents \$35,979.57 in fringe benefit contributions and \$3,597.97 in liquidated damages owed for the period of February 2009 through August 2009;
2. Execution on the judgment amount set forth in paragraph 1, above, shall be stayed so long as defendant complies with paragraphs 3 and 4 below;
3. Defendant shall pay the judgment amount pursuant to the following schedule:
 - (a) \$3,000.00 on or before October 15, 2009;
 - (b) \$3,000.00 on or before November 15, 2009;
 - (c) \$3,000.00 on or before December 15, 2009;
 - (d) \$3,000.00 on or before January 15, 2010;
 - (e) \$3,000.00 on or before February 15, 2010;
 - (f) \$3,000.00 on or before March 15, 2010;
 - (g) \$3,000.00 on or before April 15, 2010;
 - (h) \$3,000.00 on or before May 15, 2010;
 - (i) \$3,000.00 on or before June 15, 2010;
 - (j) \$3,000.00 on or before July 15, 2010;
 - (k) \$3,000.00 on or before August 15, 2010;
 - (l) \$3,000.00 on or before September 15, 2010;
 - (m) \$3,000.00 on or before October 15, 2010; and
 - (n) \$577.54 on or before November 15, 2010;
4. Defendant shall submit all monthly contribution reports and contribution payments in a timely fashion, as required by defendant's collective bargaining agreement with Operating Engineers Local 520;
5. If defendant fails to make a payment when due pursuant to paragraph 3 above, or fails to submit all reports and contributions as required by paragraph 4 above, the entire judgment balance shall become immediately due;
6. The parties agree that this Stipulation is based on unaudited reports submitted by defendant, and that if defendant is audited and additional amounts are found to be owed, plaintiffs shall be entitled to seek the collection of such amounts.

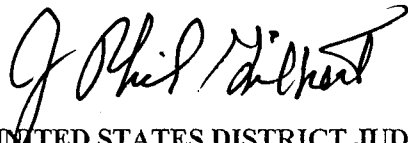
HAMMOND AND SHINNERS, P.C.
INC. 7730 Carondelet Ave., Suite 200
Telephone: (314) 727-1015
Facsimile: (314) 727-6804


GREG A. CAMPBELL, #2774
Attorneys for Plaintiffs

A&R EXCAVATING AND MOTOR SALES,
~~St. Louis, Missouri 63105~~

By: 
Date: October 15, 2009

SO ORDERED:
DATED:  October 16, 2009


UNITED STATES DISTRICT JUDGE